

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

FEVO, INC.,

Plaintiff,

Case No. 22-cv-10030
Hon. Matthew F. Leitman

v.

SPINZO CORPORATION,

Defendant.

/

**ORDER GRANTING PLAINTIFF LEAVE
TO FILE A FIRST AMENDED COMPLAINT**

On January 6, 2022, Plaintiff Fevo, Inc. filed this action against Defendant Spinzo Corporation. (*See* Compl., ECF No. 1.) Fevo alleges, among other things, that Spinzo has engaged in “unfair and illegal competitive” behavior. (*Id.* at ¶6, PageID.3.)

On February 18, 2022, Spinzo filed a motion to dismiss pursuant to Federal Rules of Civil Procedure 12(b)(2), (5), and (6). (*See* Mot. to Dismiss, ECF No. 11.) One of Spinzo’s bases for dismissal is that Fevo has failed to plead sufficient facts to state viable claims. (*See id.*, PageID.92-110.) Spinzo further contends that Fevo has not sufficiently pleaded that the Court has personal jurisdiction over it (Spinzo). (*See id.*, PageID.88-91.)

Without expressing any view regarding the merits of the motion to dismiss, the Court will grant Fevo the opportunity to file a First Amended Complaint in order to remedy the alleged deficiencies in its claims identified by Spino in the motion to dismiss. The Court does not anticipate allowing Fevo another opportunity to amend to add factual and/or jurisdictional allegations that it could now include in its First Amended Complaint. Simply put, this is Fevo's opportunity to allege any and all additional facts, currently known to it, that may cure the alleged deficiencies in its claims.

By **March 8, 2022**, Fevo shall file a notice on the docket in this action notifying the Court and Spino whether it will amend the Complaint. If Fevo provides notice that it will be filing a First Amended Complaint, it shall file that amended pleading by no later than **March 22, 2022**. In addition, if Fevo provides notice that it will be filing a First Amended Complaint, the Court will terminate without prejudice Spino's currently-pending motion to dismiss as moot. Spino may re-file its motion to dismiss directed at the First Amended Complaint if it believes that such a motion is appropriate after reviewing that pleading.

IT IS SO ORDERED.

Dated: February 22, 2022

s/Matthew F. Leitman
MATTHEW F. LEITMAN
UNITED STATES DISTRICT JUDGE

I hereby certify that a copy of the foregoing document was served upon the parties and/or counsel of record on February 22, 2022, by electronic means and/or ordinary mail.

s/Holly A. Ryan
Case Manager
(313) 234-5126